

The PRESIDING OFFICER. Objection is heard.

#### CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Morning business is closed.

#### ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3297.

Mr. REID. Madam President, I ask permission to withdraw the motion to proceed to S. 3297.

The PRESIDING OFFICER. The motion is withdrawn.

#### UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2008—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. REID. Madam President, I now move to proceed to Calendar No. 1123, H.R. 6867, an act to provide for additional emergency unemployment compensation and, with that, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 1123, H.R. 6867, the Unemployment Compensation Extension Act of 2008.

Harry Reid, Max Baucus, Patrick J. Leahy, Bernard Sanders, Kent Conrad, E. Benjamin Nelson, John D. Rockefeller, IV, Dianne Feinstein, Robert P. Casey, Jr., Patty Murray, Richard Durbin, Sheldon Whitehouse, Barbara A. Mikulski, Barbara Boxer, Carl Levin, Daniel K. Akaka, Mark L. Pryor.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I appreciate the patience of all my colleagues.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I would ask my friend, the majority leader, now, if consent is not granted, this vote would be on Friday?

Mr. REID. That is right.

Mr. MCCONNELL. Madam President, I say to my friend, I will be working on my side to see if it is possible to move that vote forward to tomorrow. Hopefully, he will be doing the same.

Mr. REID. Madam President, I certainly think it would be appropriate if we can do that. I will do everything I can to move this forward.

I again say, Madam President, I appreciate the patience of everyone today. A lot of times we do not spend a lot of time here, but it is hard getting here. I appreciate it very much. And we were interrupted by the President of Bolivia.

I should say—and I am sorry I did not to my friend, Senator MCCONNELL—if we do get cloture, then we could even do that, have a 60-vote threshold on that. And if that were done, we would be out of here as far as I know. So we will work together to see what we can get done. We will work to see what we can get done in the next 12 hours.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### AUTO MANUFACTURING INDUSTRY BAILOUT

Mr. SUNUNU. Mr. President, I rise to speak on the pending discussion and debate in the Senate about subsidies to the auto manufacturers and whether passing a large bailout subsidy package for the auto manufacturers is a good idea. Earlier this afternoon I objected to a unanimous consent request by Senator MIKULSKI and she responded to that objection by noting that she certainly hoped that objecting to a bailout package for auto manufacturers wasn't the last thing I did in the Senate, given that my term is going to be expiring and I am going to be retiring from the Senate. Well, it won't be the last thing I do. If nothing else, the last thing I will do is to explain why her legislation was such a terrible idea to the people of New Hampshire who elected me and to the American people whom I think I have an obligation to serve in making sure that their interests are protected, that their wallets are protected, and that we act with a commitment to fiscal responsibility.

We don't need to be providing subsidies, special benefits or protection to individual businesses, whether they are auto manufacturers or any other business. This is wrong for a large number of reasons. To be sure, no one is happy about the fact that our country is in a recession, that Europe is in a recession, that we have a global slowdown that will affect hundreds of thousands, if not millions, of lives across the United States and across the world. But by providing subsidies to the auto manufacturers, we do several things that are fundamentally wrong—bad for our economy, bad for taxpayers, bad for consumers.

First, quite frankly, we reward bad decisions that have been made by these firms themselves. The problems within the auto industry are largely the mak-

ing of those in the auto industry: management choices, production of models that consumers choose not to buy, legacy costs, contracts, health care, pensions. We all understand that within the economic slowdown there has been a significant drop in the number of cars being manufactured, but these businesses were losing money well before the current downturn. By stepping forward now to provide them with \$25 billion or \$50 billion, depending on which piece of legislation we would be considering and voting on, we, quite frankly, would be taking money from taxpayers across the country and rewarding those poor decisions that have been made by the manufacturers themselves.

Second, this would set a bad precedent. There are many businesses across America that are dealing with tough times, a slowdown in their growth prospects. They have had to deal with layoffs. They have seen a significant slowdown in construction spending or consumer spending. It is affecting every corner of our economy. If we set the precedent of stepping forward with \$25 billion in subsidies for auto manufacturers, every other business and industry in America would be looking for the same kind of treatment from the Federal Government. That is simply not in the taxpayers' interests. It is certainly not fair to the average taxpayer. It is not fair to those taxpayers who work for companies that won't get that kind of special treatment. Any time the Federal Government starts putting a significant amount of resources—\$1 billion, \$10 billion, \$25 billion—into a particular firm or industry we distort the marketplace. So we would be rewarding bad decisions. We would be setting a bad precedent.

Finally, we would be placing taxpayers at even greater risk. We need to be honest about the impact of giving \$25 billion to the auto manufacturers in order to sustain their unprofitable operations. Many observers have suggested that \$25 billion isn't nearly enough, \$50 billion probably isn't enough to stave off bankruptcy. So when these firms ultimately did have to file for bankruptcy or when the losses mounted over the next 6 months or 12 months or 18 months and the firms needed additional capital, where would they turn? Back to the taxpayer. So the expectation would be—and I think the likelihood would be—that the \$25 billion or \$50 billion provided today would simply be a downpayment on even greater losses and greater exposure to the taxpayers in the future.

Now, the proponents of this legislation have said a number of things. First and foremost, they have talked about the number of jobs that would be affected. No one relishes the idea of higher unemployment and job losses that have already begun in this current recession. But there are many businesses and industries across America that employ hundreds of thousands of people, that employ even more than the auto manufacturing segment. The

three largest technology-based firms in the country employ nearly twice as many people as the auto manufacturers. The three largest firms in the financial services industry employ hundreds of thousands more than the auto manufacturers do. These businesses and industries such as the auto manufacturers have their own customers and suppliers and vendors and contractors who would also be affected by the slowdown or by layoffs at those businesses.

We care about the auto manufacturers. We care about manufacturing. We care about every job in our economy, because each job is important to that worker, their family, and their dependents. But we can't be providing unique benefits, unique treatment to one business at the expense of others and at the expense of taxpayers.

A second argument that has been made is that since we passed a financial stabilization package a month ago, we should be willing to keep passing additional subsidy or bailout legislation. I think we need to understand that taking the action we took when the credit markets in the United States and across the world froze was action taken only with the greatest imaginable reluctance, and it was only taken to protect access to credit for a home loan or car loan, a small business loan that our economy needs to function every single day. Moreover, only action of the Federal Government—and the European governments as well—only that action could provide the capital or had the capacity to provide the capital necessary to enable those credit markets to function normally again. And they have begun to function more normally today.

Now, normal functioning of credit markets doesn't guarantee economic growth in this quarter or next quarter, but it does prevent a collapse of the credit system that our economy needs to operate on a daily basis.

So I think the arguments that there are jobs at stake in the auto industry is a false argument, because there are jobs at stake in every corner of our economy. The argument that an economic recovery package passed last month is justification for these kinds of subsidies to other manufacturers is mistaken as well, because that was legislation designed to protect every family, every business in America, given the unique crisis we have had in our credit markets.

Our economy is built on the idea of freedom, transparency, and entrepreneurship. I think we should never forget that. We have the freest economy in the world. If you look at the freest and most open economies in the world and compare them to their more heavily regulated counterparts, in every measure, free and open, transparent markets performed better than their more heavily regulated counterparts. I think there is a lesson here: that we should avoid Government intervention wherever possible. We should minimize the cost of regulation wherever pos-

sible. Of course, we should avoid legislation such as that being proposed for the auto manufacturers that would intervene and subsidize bad economics, poor performance, and bad management choices.

I hope this legislation will be dealt with in an appropriate way. I hope my colleagues will see the value in protecting the taxpayers by opposing this kind of intervention, this kind of unnecessary subsidy. A lot of people have made the observation that a failure to pass subsidy legislation would make bankruptcy for the auto manufacturers more likely, and that may well be the case. But the bankruptcy protection process is designed to allow firms, large and small, to reorganize, to restructure, to establish a better, more effective business model, a better system for producing the kinds of products customers want, for delivering the services our economy needs, improving efficiency and, in doing so, provide strong, well-paying jobs that are secure for as many of their employees as possible and for an employment base that suits the marketplace. But when you have a business model that has been proven to be as problematic as those of the large three auto manufacturers, sometimes bankruptcy protection is the best possible methodology for restructuring, reorganizing, and putting together a firm that is more competitive and stronger and healthier for the long term.

I appreciate the opportunity to speak on these issues. I think it is important that we protect our economy to the greatest extent possible by keeping taxes on capital low, by creating a Tax Code and a regulatory structure that encourages manufacturing and investment, that rewards entrepreneurship, but none of these things requires that we single out one firm or one business over another for a handout or a subsidy at the cost of the taxpayers.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, what is the regular order of business?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to H.R. 6867.

Mr. ALLARD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IDENTITY THEFT

Mr. ALLARD. Mr. President, first, I wish to thank the Senator from New Hampshire who just spoke for his leadership in the Congress, and it has been a pleasure serving with him. I also will be retiring, but one of the people I will miss is JOHN SUNUNU from New Hampshire, because I think he has contributed a lot to the process.

I wish to also take a moment to bring to your attention and the attention of my colleagues an issue I have worked hard to address in legislation I proposed this Congress. The issue is

identity theft. I was hopeful Congress would pass legislation that addresses the problem of unauthorized foreign workers stealing Social Security numbers and then using the numbers to obtain employment and then, eventually, accruing Social Security benefits.

Almost 2 years ago, I introduced S. 699. It is legislation that facilitated the sharing of existing information among government agencies in instances where the infrastructure, if shared, could expose cases of identity fraud. Unfortunately, my bill stalled in committee and has not since received further action. Congress's failure to enact such legislation is disappointing, because it has left in place existing law which is ineffectual in deterring unauthorized foreign workers from stealing the identity of citizens—that is Americans—and nationals. Individuals continue to engage in this activity in violation of our criminal laws as well as our immigration laws while also defrauding Social Security and citizens.

Identity theft continues to plague our country at an alarming rate.

If there was ever any doubt, let last week's discovery—in Weld County, Colorado—of 1,300 stolen Social Security numbers by illegal immigrants serve as a reminder of the pervasiveness of this problem. A single additional case of an unauthorized worker stealing a U.S. citizen's identity is one case too many, for it is well within the Federal Government's ability to stop this rampant problem. If my legislation had been enacted, the 1,300 illegal aliens using fraudulent Social Security numbers and resulting in more than \$2.6 million in stolen tax dollars would have caught the attention of law enforcement much sooner.

Last week, after an intense and lengthy investigation by the Weld County Sheriff's Office, the Greeley Police Department, and District Attorney Ken Buck's office, a series of arrests began in a case that is far-reaching and has national implications.

What is upsetting is that Congress has had foresight about the devastating effects of identity theft. We have also been educated, notably by Secretary Chertoff, of the susceptibility for citizens' identities to be stolen by aliens that are in the United States illegally and without authorization to work. I introduced legislation that recognizes the compelling need to modify the law in order to allow our Government both to enforce immigration laws and also protect the victims of identity theft. Under the current law, by the time identity theft is discovered, the damage has already been done. For instance, an 84-year-old Grand Junction woman was deemed ineligible for Federal housing assistance because her Social Security number was being used at a variety of jobs in Denver, making her income too high to qualify. Several individuals had been using her I.D. number, and each individual's salary was then being reported to Social Security. As a result, her income was recorded much higher than

what she was receiving. If the discrepancy had been discovered earlier, before she had applied for her housing grants, there would have been an opportunity to address the disparity before she became a victim twice over.

What is incredible is that the Federal Government, specifically the Internal Revenue Service, is enabling this. Under current policy, the IRS is under no obligation to share information with other agencies upon the discovery of a Social Security number being used with multiple names or in the case where it is discovered that an individual has more than one person reporting earnings for him or her during a single tax year.

I propose to allow the Commissioner of Social Security to share information with the Secretary of Homeland Security, where such information is likely to assist in discovering identity theft, Social Security misuse or violations of immigration law. It is worth noting Secretary Chertoff supports my proposal, believing it is a practical solution that overcomes the current limitations on information sharing.

Despite the force of these arguments supporting legislation that tears down the wall that prevents the sharing of existing information among Government agencies, Congress has so far rejected Secretary Chertoff's call for a legislative solution.

The 1,300 cases of suspected stolen identities exposed in Weld County alone were brought to light after authorities discovered that an illegal immigrant accused of stealing and using a man's Social Security number to get jobs, loans, and other services, had also been filing and receiving tax returns from the Federal Government. It did not take long for investigators to come to the realization that this particular illegal immigrant's suspected use of stolen identity was not an isolated case. As it turns out, these 1,300 other illegal immigrants filed tax returns using the same tax preparer based in Greeley. This is one tax preparer handling 1,300 fraudulent returns. Take a moment and consider the 1,300 illegal aliens' tax returns, which yielded \$2.6 million in tax refunds, were handled by a single tax preparer; now consider the number of tax preparers nationwide and the exorbitant amount of tax dollars—likely in the billions—distributed among illegal aliens using fraudulent Social Security numbers. The way our system works, the tax preparer is relieved of liability, absent reckless misrepresentation or a finding of exceptional negligence.

With whom should the liability lie? The obvious answer is the illegal alien guilty of stealing someone else's identity. But what happens to the helpless victim of the identity theft? Shouldn't our law protect the person who has had their identity compromised, and shouldn't our Federal agencies be required to communicate information about an individual's compromised identity before the individual is robbed

of opportunities such as taking out a student loan, purchasing a home, or purchasing tools or equipment with a small business loan? Shouldn't we do all that we can to prevent law-abiding citizens falling victim to identity theft?

Occurrences of identity theft perpetrated by illegal immigrants have risen and will continue to rise as better systems are developed for verifying employment. Illegal immigrants will continue to assume the names and Government-issued ID numbers of American citizens in order to thwart detection at workplaces, get driver's licenses and obtain credit. Once a person takes a job in the U.S., one of the first things his employer will likely ask for is his Social Security number. The integrity of the immigration system depends on the genuineness of our efforts to protect citizens from immigrant-related identity fraud. Identity theft prevention and immigration enforcement will be greatly enhanced by legislation that permits the sharing of social security data among agencies.

The Weld County Tax I.D. case is just the tip of the iceberg. If more than 1,300 illegal immigrants can receive more than \$2.6 million in tax refunds using stolen Social Security numbers in a community of 100,000 people, how many other cases exist throughout the country? It adds insult to injury that a legislative solution is easily within reach of Congress.

I know we have a lot on our plate this week, but I would ask the Senate to act to close this loophole.

Mr. President, I yield the floor.

## MORNING BUSINESS

### TRIBUTE TO SENATORS

ELIZABETH DOLE

Mr. FEINGOLD. Mr. President, today I commend Senator ELIZABETH DOLE for her dedicated work on behalf of North Carolina in the Senate and her decades of service to our Nation. In the Senate she has worked hard to ensure our veterans and servicemembers receive the benefits they have more than earned. I was pleased to have her cosponsorship and support for my measure allowing servicemembers to terminate cell phone contracts free of penalties.

Senator DOLE has also demonstrated a commitment to solving the most difficult crises in Africa, particularly in Zimbabwe and Darfur. We both joined with Senator CLINTON and Senator LUGAR on legislation to assist Zimbabweans in their efforts to promote democracy and human rights in their country. I also welcomed Senator DOLE's support on a resolution condemning the recent flawed elections in Zimbabwe. Her voice in the Senate on these issues will be missed. I thank her for her service to the Senate and the people of North Carolina, and wish her all the best for the future.

GORDON SMITH

Mr. President, today I want to thank Senator GORDON SMITH for his service to the people of Oregon. During my time on the Senate Foreign Relations African Affairs Subcommittee I have watched Senator SMITH fight ardently for the President's Emergency Plan for AIDS Relief that has saved countless lives around the globe. His leadership on legislation to fight HIV/AIDS and other diseases has been vital to our efforts to bring help to many African nations.

I also applaud his work to pass the Employment Non Discrimination Act, which I was also pleased to cosponsor. His efforts to end employment discrimination based on sexual orientation represent an important step toward ensuring equal rights for all Americans.

Finally, I want to recognize Senator SMITH's work on legislation to require health insurers to include mental health benefits in their health insurance coverage. This excellent example of bipartisan cooperation, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, was made possible in part by the commitment of Senator SMITH to ensuring those suffering from mental illness have access to medical treatments that will improve their quality of life.

Once again, I thank GORDON SMITH for his dedication to the people of Oregon and the country while in the Senate, and I wish him all the best in the future.

JOHN SUNUNU

Mr. President, today I want to take a moment to recognize the service of Senator JOHN SUNUNU during his time here in the Senate. It has been a pleasure to work with him on a wide range of issues, from protecting the rights of law-abiding Americans to strengthening our foreign policy toward Africa.

Senator SUNUNU has made many important contributions during his time in this body, but his work to protect the constitutional rights of innocent Americans is certainly among the most important. He recognizes that our government can wage an effective fight against terrorism that still respects our basic freedoms. Senator SUNUNU has been a crucial voice on civil liberties issues like reforming the PATRIOT Act and keeping tabs on government data mining efforts. I am proud that we worked together on a number of bills. Most recently, we introduced legislation addressing the serious misuse of the FBI's national security letter authorities to obtain information about innocent people without judicial review. We also successfully passed legislation last year requiring Federal agencies to inform Congress about the use and development of the kind of government data mining technologies that raise the most serious privacy and efficacy concerns. I will miss his voice on these issues here in the Senate.

Finally, I want to recognize Senator SUNUNU's work on the Senate Foreign